

75. (Currently Amended) ~~An insertion instrument for inserting in combination~~
~~with~~ a three piece intervertebral implant of the type having upper and lower parts which
engage adjacent vertebrae and a third part located between the upper and lower parts,

said instrument including an upper arm for holding the upper part at its free end
and a lower arm for holding the lower part at its free end,

the upper and lower parts having complementary facing structures which allows
them to come to a nested position in which their combined height is less than the total
height of the upper and lower parts, taken separately, and

the upper arm being movable vertically in relation to the lower arm such that they
overlap, taken vertically, to allow said nesting of the upper and lower parts.

76. (Currently Amended) ~~An instrument~~ The invention according to claim 75,
the lower arm comprising a pair of parallel legs, the upper arm comprising a single rod
located and movable centrally between the legs of the lower arm, and wherein when the
upper and lower arms overlap, the upper arm is located between the legs of the lower
arm.

77. (Currently Amended) ~~An instrument~~ The invention according to claim 76,
including a spreader for spreading the upper and lower arms apart to move the upper
and lower parts from their nested position towards a spaced apart position, and
including a longitudinal guide structure for receiving a third part and moving it along the
parallel legs and into the space between the separated upper and lower parts.

78. (Previously Presented) An instrument for inserting an intervertebral implant of the type having upper and lower parts which engage adjacent vertebrae, an upper arm for holding the upper part and a lower arm for holding the lower part, the lower arm comprising a pair of elongated legs which engage the lower part at the free end thereof, and wherein at least one of the legs is rotatable about its axis to move its free end between a locked position whereat it locks the lower part thereon and an unlocked position whereat the lower part is free to be removed from said free end.

79. (Previously Presented) An instrument according to claim 78, wherein both legs have pins at the ends thereof which each engage a bore in the lower part, the pin on said at least one rotatable leg having a protrusion extending perpendicular to the pin, and wherein in one rotational position of the rotatable leg, the protrusion engages an opening in the lower part to retain the lower part thereon, and in the other rotatable position of the leg, the protrusion releases the lower part.

80. (Previously Presented) An instrument according to claim 79, wherein both of said legs of the lower arm are rotatable and have pins, each with a protrusion at its free end and a corresponding opening in the lower part, and wherein the upper arm includes pins at its free end for engaging the upper part.

81. (Currently Amended) ~~An insertion instrument for inserting in combination~~
~~with~~ a three piece intervertebral implant of the type having upper and lower parts which
engage adjacent vertebrae and a third part located between the upper and lower parts,
the instrument comprising.

an upper arm for holding the upper part at its free end and a lower arm for
holding the lower part at its free end,

a mounting structure for connecting the upper and lower arms together at their
other ends remote from their free ends, such that the other ends are spaced apart
vertically from each other and pivotally supported to allow their free ends to pivot
towards and away from each other, and

a spreader element engaging and movable along the upper and lower arms in
one direction to spread them apart to thereby spread apart the upper and lower parts,
and in the other direction to allow the upper and lower arms to come together and
thereby allow the upper and lower parts to move towards each other.

82. (Currently Amended) ~~An instrument~~ The invention according to claim 81,
the lower arm comprising a pair of parallel legs, the upper part comprising a single rod
located centrally between the legs of the lower arm, said mounting structure comprising
a bottom plate to which the parallel legs are connected and an upright mounting block,
and the upper arm being pivotally connected to said mounting block at a pivot axis
spaced above the bottom plate.

83. (Currently Amended) ~~An instrument~~ The invention according to claim 82, said spreader element including a toothed rack, a toothed gear wheel pivotally mounted on the mounting block and engaging the rack of the spreader element, whereby turning of the gear wheel moves the spreader element along the arms.

84. (Currently Amended) ~~An instrument~~ The invention according to claim 82, including a pusher mounted on the arms to move the third part along the arms for insertion between the upper and lower parts as the spreader element spreads the arms and hence also the upper and lower parts.

85. (Currently Amended) ~~An insertion instrument for inserting in combination~~ with a three piece intervertebral implant of the type having upper and lower parts which engage adjacent vertebrae and a third part located between the upper and lower parts, an upper arm having an upper part at a free end thereof, a lower arm having a lower part at a free end thereof, the lower arm comprising a pair of parallel legs which engage the lower part at their free ends, and define between them a receiving chamber, the legs on the sides facing the receiving chamber including a structure which engages the lateral edges of a third part for movement of the third part along said legs, a pusher element mounted on the legs for pushing the third part therealong, and a spreader element mounted on and slidable along the upper and lower arms to spread them apart.

86. (Currently Amended) ~~An instrument~~ The invention according to claim 85, the upper and lower arms having pins at their outer ends which engage bores in the upper and lower parts, respectively, to retain the upper and lower parts on the arms.

87. (Currently Amended) ~~An instrument~~ The invention according to claim 86, the structure which engages the lateral edges of the third part comprising grooves which extend longitudinally along said legs, and the third part is a pivot element having lateral edges which engage said grooves, and wherein the pushing element also engages the grooves and is operable to move the pivot element along the arms and into a space between spread apart upper and lower parts.

88. (Currently Amended) ~~An instrument~~ The invention according to claim 87, wherein the lower part has parallel grooves in the side walls thereof which are aligned with the grooves in the legs, whereby ~~a~~ the pivot element can move directly from the grooves in the legs into the grooves in the lower part.

89. (Previously Presented) A method for inserting a three piece intervertebral implant into an intervertebral space, comprising the steps of:

assembling upper and lower parts of the intervertebral implant together and inserting them into an intervertebral space with an inserting instrument such that the upper surface of the upper part and the lower surface of the lower part engage adjacent vertebrae,

after the upper and lower parts are located in the intervertebral space, spreading them apart, and

with the upper and lower parts spread apart, moving a longitudinal guide along the inserting instrument to move a third part into the space between the upper and lower parts.

90. (Previously Presented) A method according to claim 89, wherein the step of moving the longitudinal guide includes placing the third part into grooves in the insertion instrument, and moving a pusher along those same grooves to move the third part out of the insertion instrument and into the intervertebral space between the spread apart upper and lower parts.

91. (Previously Presented) A method according to claim 90, wherein the step of causing the insertion instrument to spread apart the upper and lower parts includes moving a spreader along the insertion instrument to spread apart the upper and lower arms of the insertion instrument, the upper arm holding the upper part and the lower arm holding the lower part.

92. (Previously Presented) A method for inserting a three piece intervertebral implant into an intervertebral space, comprising the steps of:

assembling upper and lower parts of the intervertebral implant on an inserting instrument and inserting them into an intervertebral space, wherein the lower part has a recess,

inserting the upper and lower parts into the intervertebral space,
spreading the upper and lower parts apart by a distance slightly greater than the clearance between the lowermost surface of the upper part and the recess of the lower part, and
moving the third part onto the recess of the lower part.

93. (Previously Presented) A method according to claim 92, wherein the insertion instrument has a lower arm comprising a pair of parallel legs with grooves on facing sides thereof, the lower part being held at the free ends of the parallel legs and the lower part having grooves in two parallel raised side walls adjacent an open side, which grooves are aligned with the grooves of the parallel legs, and wherein the step of moving the third part into the recess of the lower part comprises moving the third part along the grooves of the parallel legs and into the grooves of the lower part.

94. (Previously Presented) A method according to claim 93, wherein the insertion instrument also includes an upper arm which engages the upper part at a free end thereof and the step of spreading the upper and lower parts apart including moving a spreader along the insertion instrument towards the free ends thereof between the upper and lower arms to spread them apart.

95. (Previously Presented) A method according to claim 94, wherein the step of moving the upper part against the top of the third part includes moving the spreader in a direction away from the free ends.

96-118. (Canceled)

119. (Currently Amended) ~~A-An insertion device for inserting in combination~~
with an intervertebral implant of the type having opposed vertebrae engaging upper and lower parts and an insert therebetween, comprising:

an instrument for holding and inserting the upper and lower parts into an intervertebral space, and a spreader for separating the upper and lower parts while in the intervertebral space, and

a pusher guided by the instrument to push the insert into the space between the separated upper and lower parts.

120. (Currently Amended) ~~A device~~ The invention according to claim 119, wherein one of the pusher and instrument has lateral edges and the other has grooves such that the lateral edges and the grooves cooperate for guiding the pusher along the instrument.

121. (Currently Amended) ~~A device~~ The invention according to claim 120, wherein the pusher has the lateral edges which engage grooves in the instrument.

122. (Currently Amended) ~~A device~~ The invention according to claim 119, wherein the instrument has upper and lower arms for engaging, respectively, the upper

and lower parts and including a spreader movable along the instrument to separate the upper and lower arms.

123. (Currently Amended) ~~A device~~ The invention according to claim 119, wherein the instrument has upper and lower arms which are spaced apart and operatively pivotally engaged to each other at a location spaced from the upper and lower part engaging ends of the instrument.

124. (Currently Amended) ~~A device~~ The invention according to claim 119, wherein the instrument has upper and lower arms for engaging the upper and lower parts, the lower arm having a pair of legs and wherein the pusher is mounted on the pair of legs for movement therealong.

125. (Currently Amended) ~~A device~~ The invention according to claim 124, including a spreader for spreading the upper and lower arms apart, and wherein the spreader is also mounted for movement along the pair of legs.

126. (Previously Presented) A method of inserting an intervertebral implant of the type comprising opposed vertebrae engaging upper and lower parts and an insert therebetween, comprising the steps of:

holding the upper and lower parts with an instrument and inserting the upper and lower parts into an intervertebral space,

spreading the upper and lower parts away from each other, and

guiding a pusher on the instrument to push an insert into the space between the upper and lower parts.

127. (Previously Presented) The method according to claim 126, wherein the step of guiding the pusher on the instrument comprises engaging the pusher and the instrument together by lateral edges and groove connections, one of said lateral edge or groove on the instrument and the other on the pusher.

128. (Previously Presented) The method according to claim 127, wherein the lateral edges are on the pusher and the grooves are in the instrument.

129. (Previously Presented) The method according to claim 126, wherein the spreading step includes moving a spreader along the instrument to separate the upper and lower arms and hence the upper and lower parts.

130. (Previously Presented) The method according to claim 129, wherein the instrument includes upper and lower arms engaging, respectively, the upper and lower parts, and the separating step includes moving a spreader along the instrument to spread the upper and lower arms and hence the upper and lower parts.